

SENATE JOURNAL

Fortieth Legislature—Regular Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 11, 1927.

The Fortieth Legislature was called to order at 12:00 o'clock noon, in accordance with the law, by Lieutenant Governor Barry Miller. Dr. Clark delivered the Invocation.

Temporary Officers.

The Chair announced the following temporary officers:

W. V. Howerton, Secretary.
John D. Cofer, Journal Clerk.
A. W. Holt, Sergeant-at-Arms.
C. K. Walter, Doorkeeper.

Roll Call of Holdover Senators.

The Secretary called the roll of the holdover senators, the following answering to their names:

Bailey.	Miller.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Floyd.	Ward.
Hardin.	Witt.
Lewis.	Wood.

Absent.

Pollard.

Certificate of New Senators.

The Secretary read the following certificate of election of new senators:

Members of the State Senate of the Fortieth Legislature elected at the November election, 1926, according to certificates of election on file in the office of the Secretary of State.

District No. 2—Neal, Miss Margie E., Carthage, Texas.

District No. 4—Triplett, H. F., Beaumont, Texas.

District No. 6—Greer, Julian P., Athens, Texas.

District No. 9—Westbrook, Ed., Sherman, Texas.

District No. 10—Moore, Joe M., Greenville, Texas.

District No. 11—Love, Thomas B., Dallas, Texas.

District No. 15—Russek, Gus, Schulenberg, Texas.

District No. 16—Hall, J. W., Houston, Texas.

District No. 17—Holbrook, T. J., Galveston, Texas.

District No. 19—Wirtz, A. J., Seguin, Texas.

District No. 22—Miller, Eugene, Garner, Texas.

District No. 23—McFarlane, W. D., Graham, Texas.

District No. 25—Woodward, Walter C., Coleman, Texas.

District No. 27—Parr, Archie, Benavides, Texas.

District No. 28—Stuart, Robert A., Fort Worth, Texas.

(NOTE: Senators of other Districts are hold-overs.)

The State of Texas,
Department of State.

To the Secretary of the Senate:

I, Emma Grigsby Meharg, Secretary of the State of Texas, and the designated custodian of the returns of election of the members of the Legislature, do hereby certify that the attached and foregoing is a true and correct list of the Senators of the Fortieth Legislature whose election has been certified to this Department in accordance with the law as having been elected at the General Election held throughout the State of Texas on the second day of November, A. D. 1926.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of the State at my office in the City of Austin, this tenth day of January A. D., 1927.

EMMA GRIGSBY MEHARG,
Secretary of State.

(SEAL)

Roll Call of New Senators.

The Secretary called the roll of the new Senators, the following answering to their names:

Greer.	Parr.
Hall.	Russek.
Holbrook.	Stuart.
Love.	Triplett.
McFarlane.	Westbrook.
Moore.	Wirtz.
Neal.	Woodward.

Caucus Report.

Senator Bailey sent up the following report of the Senate Caucus:

Senate Chamber,
Austin, Texas,
Monday, Jan. 10, 1927.

Hon. Barry Miller, Lieutenant Governor:

A caucus was held in the office of the Senate attended by thirty (30) Senators-elect, and by unanimous vote of those present it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employees for the ensuing Regular Session of the Fortieth Legislature. Senator Bailey was elected Chairman of the caucus, and Senator Miller was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate during the Regular Session of the Fortieth Legislature:

Secretary, W. V. Howerton.

Assistant Secretary, Morris C. Hankins.

Journal Clerk, John D. Coter.

Assistant Journal Clerk, Wendell O'Neal.

Second Assistant Journal Clerk, Miss Josephine Bramlett.

Sergeant-at-Arms, Capt. A. W. Holt.

First Assistant Sergeant-at-Arms, Morris Midkiff.

Second Assistant Sergeant-at-Arms, J. S. Brackeen.

Third Assistant Sergeant-at-Arms, Col. J. T. McLendon.

Fourth Assistant Sergeant-at-Arms, R. D. Greenwood.

Calendar Clerk, Garland Porter.

Assistant Calendar Clerk, Mrs. Grace Jennings.

Mailing Clerk, Mrs. Fred Polglass.

First Assistant Mailing Clerk, Mrs. Reese Wilson.

Second Assistant Mailing Clerk, Mrs. W. P. Lawrence.

Third Assistant Mailing Clerk, Mrs. Mae Elliott.

Fourth Assistant Mailing Clerk, Miss Ida May Stevens.

Librarian, Miss Theodosia Bell.

Postmistress, Mrs. Florence Burke.

Chaplain, Rev. W. H. Doss.

Chaplain, Rev. Randolph Clark.

Notary Clerk, Mrs. Ida Woods.

Assistant Notary Clerk, T. R. Bolin.

Messengers, two, J. O. Bradfield and R. D. Palmer, each to receive \$2.50 per day.

Telephone operator, Miss Mary Jacobs, to receive \$5.00 per day.

Doorkeeper, C. K. Walters.

Assistant Doorkeeper, Ned Marshall.

Second Assistant Doorkeeper, Everett Boyd.

Third Assistant Doorkeeper, A. P. Bagby, Jr.

The Lieutenant Governor is authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$4.00 per day.

It is further recommended that the Chairman of the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Enrolling and Engrossing Clerk shall receive \$10.00 per day for his services, and assistants \$5.00 per day.

It is further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each Committee of which said Senator shall be Chairman, save and except that this does not apply to the Chairman of the Finance Committee, and the Finance Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate, the Journal Clerk, and the Sergeant-at-Arms shall receive \$7.50 per day, and except further that the pages shall receive \$3.00 per day, and porters shall receive \$3.00 per day each, the head porter and porter carrying mail \$4.00 per day each.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the

Lieutenant Governor be permitted to select a Secretary and an Assistant Secretary and personal messenger, and that their salaries be the same as during the Thirty-ninth Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2000 daily Journals be printed and that the same be prorated among the Senators and the Lieutenant Governor, except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and receiving of telephone messages and telegraph messages and expenses that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee and a stenographer to the Finance Committee, and that their salaries be the same as during the Thirty-ninth Legislature.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

JNO. H. BAILEY, Chairman.

EUGENE MILLER, Secretary.

The report was read and on the motion of Senator Bailey, the Secretary cast the vote of the Senate for said report, and the report was declared adopted.

Election of President Pro Tem.

Senator Wirtz nominated Senator Wood as President Pro Tem of the Senate for the Regular Session.

The nomination was seconded by Senators Love, Bowers, Reid, Berkeley, Fairchild, Woodward and Ward.

The Chair appointed Senators

Lewis, Ward and Bailey as tellers to distribute and count the ballots.

The Chair announced that Senator Wood, received 25 votes, Senator Wirtz 1, and Senator Russek.

Senator Wood Sworn In.

The Chair appointed Senators Neal, Wirtz, and Parr as a committee to escort Senator Wood to the bar of the Senate, where he was sworn in as President Pro Tem of the Senate for the Regular Session of the Fortieth Legislature.

The Chair introduced Senator Wood, who briefly thanked the Senate for the honor conferred upon him.

Officers Sworn In.

The Chair called the officers of the Senate to the bar of the Senate where they were administered the oath of office.

Employees Announced.

The Lieutenant Governor announced the following appointments:

Appointments by Lieutenant Governor.

Sloan Blair, Private Secretary.

Elise Burnett, Assistant Secretary.

Joe Erwin, Personal Messenger to Lieutenant Governor.

Winston Lovelace, Page to Lieutenant Governor.

Pages.

C. C. Dorsey, Milburn McCarty, Elwood Brown, Walter Harper, Clarence Pearson, Chas. A. Wheeler, Jr., Bobbie Randolph, Maurice Morgan, Wm. Pruitt, Boyd Laughlin, John Taylor, Billy Moore, Howard Jones, Milton Coffee, Chas. Pratt, Robert McDaniel.

Porters.

Jim Jackson, Head Porter; Buck Green, Sam Grant, Tom Burton, Fred Rombeau, Henry Canady, Robert Wells.

Committee Appointments.

The Chair announced the appointment of the following standing committees:

Agricultural Affairs.

Hardin, Chairman; Triplett, Vice-Chairman; Bowers, Lewis, McFarlane, Real, Reid, Westbrook.

Banking.

Russek, Chairman; Holbrook, Vice-Chairman; Berkely, Bowers, Bledsoe, Fairchild, Miller, Wirtz, Witt, Wood.

Civil Jurisprudence.

Bailey, Chairman; Fairchild, Vice-Chairman; Bledsoe, Love, McFarlane, Miller, Price, Stuart, Ward, Wirtz, Woodward, Westbrook.

Counties and County Boundaries.

Triplett, Chairman; Parr, Vice-Chairman; Berkeley, Hardin, Smith.

Constitutional Amendments.

Stuart, Chairman; Miller, Vice-Chairman; Floyd, Hall, Moore, Parr, Russek, Triplett, Wirtz.

Contingent Expenses.

Bowers, Chairman; Bledsoe, Vice-Chairman; Berkeley, Greer, Holbrook, Neal, Parr, Real, Reid.

Commerce and Manufactures.

Greer, Chairman; Moore, Vice-Chairman; Bledsoe, Fairchild, Pollard, Price, Neal, Stuart, Triplett, Westbrook, Witt.

Criminal Jurisprudence.

Woodward, Chairman; Ward, Vice-Chairman; Bledsoe, Bowers, Fairchild, Holbrook, Miller, Real, Stuart, Wirtz, Wood.

Educational Affairs.

Witt, Chairman; Neal, Vice-Chairman; Bowers, Fairchild, Love, Miller, Moore, Parr, Reid, Russek, Woodward.

Engrossed Bills.

Westbrook, Chairman; Miller, Vice-Chairman; Moore.

Enrolled Bills.

Floyd, Chairman; Witt, Vice-Chairman; Wirtz.

Federal Relations.

Lewis, Chairman; Pollard, Vice-Chairman; McFarlane, Greer, Neal, Reid, Triplett.

Finance.

Wood, Chairman; Hall, Vice-Chairman; Bledsoe, Bowers, Floyd, Miller, Real, Fairchild, Westbrook, Wirtz, Witt.

Insurance.

Moore, Chairman; Woodward, Vice-Chairman; Floyd, Holbrook, Miller, Pollard, Price, Witt, Wood.

Internal Improvements.

Love, Chairman; Smith, Vice-Chairman; Bailey, Greer, Hall, Moore, Parr, Price, Ward, Wirtz.

Judicial Districts.

Price, Chairman; Hardin, Vice-Chairman; Berkeley, Hall, Lewis, McFarlane, Neal, Reid, Triplett.

Labor.

Westbrook, Chairman; McFarlane, Vice-Chairman; Bailey, Fairchild, Hardin, Miller, Stuart.

Mining, Irrigation and Drainage.

Bledsoe, Chairman; Berkeley, Vice-Chairman; McFarlane, Parr, Reid, Stuart, Woodward.

Representative Districts.

Pollard, Chairman; Lewis, Vice-Chairman; Moore.

Military Affairs.

McFarlane, Chairman; Wirtz, Vice-Chairman; Lewis, Love, Miller, Moore, Russek, Stuart, Witt, Woodward.

Nominations by Governor.

Hall, Chairman; Reid, Vice-Chairman; Bledsoe, Floyd, Lewis, Love, Moore, Price, Wood.

Privileges and Elections.

Neal, Chairman; Lewis, Vice-Chairman; Greer, Holbrook, Love, Bowers, Pollard, Russek, Smith, Ward, Wirtz.

Public Buildings and Grounds.

Smith, Chairman; Wood, Vice-Chairman; Hardin, Lewis, Love, McFarlane, Neal.

Public Printing.

Pollard, Chairman; Love, Vice-Chairman; Fairchild, Greer, Hardin, Russek, Smith.

Public Land and Land Office.

Real, Chairman; Bowers, Vice-Chairman; Berkeley, Bledsoe, Lewis, Moore, Westbrook, Wood.

Public Health.

Berkeley, Chairman; Witt, Vice-Chairman; Bledsoe, Hardin, Holbrook, Miller, Moore, Smith, Stuart, Wirtz, Wood.

Public Debts.

Miller, Chairman; Reid, Vice-Chairman; Bailey, Greer, Moore, Neal, Pollard, Price, Triplett, Witt.

Highways and Motor Traffic.
Floyd, Chairman; Bailey, Vice-Chairman; Love, McFarlane, Moore, Parr, Real, Russek, Smith, Ward, Witt.

Rules.

Neal, Chairman; Greer, Vice-Chairman; Bailey, Hardin, Woodward.

Senatorial Districts.

Ward, Chairman; Westbrook, Vice-Chairman; Pollard.

State Affairs.

Wirtz, Chairman; Floyd, Vice-Chairman; Hall, Holbrook, Miller, Parr, Real, Triplett, Westbrook, Witt, Wood.

State Institutions and Departments.

Price, Chairman; Fairchild, Vice-Chairman; Floyd, Love, Pollard, Russek, Smith, Triplett, Wood.

State Penitentiaries.

Fairchild, Chairman; Real, Vice-Chairman; Floyd, McFarlane, Miller, Russek, Smith, Ward, Witt, Wood, Wirtz.

Stock and Stock Raising.

Parr, Chairman; Stuart, Vice-Chairman; Berkeley, Bledsoe, Hardin, Lewis, McFarlane, Real, Triplett, Westbrook, Woodward.

Towns and City Corporations.

Holbrook, Chairman; Russek, Vice-Chairman; Berkeley, Hall, Real, Witt.

Congressional Districts.

Reid, Chairman; Price, Vice-Chairman; Hall, Lewis, Moore, Smith.

Simple Resolution No. 1.

Senator Bailey sent up the following resolution:

By Senator Bailey:

Be it resolved, that the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to receive from her such messages as she may deem fit to transmit to it.

Be it further resolved, that the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization, and is now ready to proceed to business.

The resolution was read and adopted.

Notification Committees Appointed.

The Chair appointed the following committee to notify the Governor that the Senate was organized:

Bailey, Ward, Fairchild.

The Chair appointed the following committee to notify the House that the Senate was organized:

Hall, Lewis, Bledsoe.

Simple Resolution No. 2.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

Be it resolved that the members of the Senate of the Fortieth Legislature, be, and they are permitted to retain the seats and desks which they formerly occupied during previous sessions of the Senate; provided, however, that any Senators may agree among themselves for exchange of seats and desks when they so desire.

The resolution was read and adopted.

Simple Resolution No. 3.

Senator Smith sent up the following resolution:

By Senator Smith:

Resolved, that a committee of three members of the Senate be appointed, with instruction to provide for the renovation and such additional furnishings of the rooms formerly occupied by the Lieutenant Governor as such committee may deem necessary, and that in making such provision the committee be instructed to give primary consideration to the convenience and accommodation of our honored colleague, the first lady of Texas to be elected to the office of State Senator.

The resolution was read and adopted.

Committee Appointed.

The Chair appointed the following committee in pursuance of Simple Resolution No. 3.

Smith, Chairman; Woodward; Hardin.

Simple Resolution No. 4.

Senator Wirtz sent up the following resolution:

By Senators Wirtz and Bailey:

Be it resolved, that the Senate rules adopted by the Thirty-Ninth

Legislature be, and they are, hereby adopted as the temporary rules for the Senate of the Fortieth Legislature now assembled, and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate.

The resolution was read.

The Chair announced that in view of the fact that the rules had not been adopted, he had no authority to appoint committees, and he withdrew his committee announcements temporarily.

Senator Love sent up the following amendment to the resolution:

Amend the Resolution No. 4 by adding thereto and at the end thereof the following: "and by a majority ing."

Love.

The amendment was read and adopted.

The resolution as amended was read and adopted.

The Chair re-announced the committee appointments.

Committee Notifying the Governor.

The Committee appointed to notify the Governor of the organization of the Senate reported back to the Senate that they had performed their duties.

Simple Resolution No. 5.

Senator Fairchild sent up the following simple resolution:

By Senator Fairchild:

Whereas, on the fifth day of January Tomas G. Pollard, Jr. arrived to make his home with Senator and Mrs. Tomas G. Pollard, and

Whereas, the members of this body congratulate Senator and Mrs. Pollard upon their good fortune,

Therefore be it resolved, that the said Tomas G. Pollard, Jr. be appointed mascot of the Senate of Texas, and that a copy of this resolution be sent to his proud parents.

The resolution was read and adopted.

Senate Concurrent Resolution No. 1.

Senator Wirtz sent up the following concurrent resolution:

By Senators Wirtz and Bailey:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the joint rules of the Senate and the House of

the Thirty-Ninth Legislature be adopted as the joint rules of the Senate and the House of the Fortieth Legislature until amended or changed by action of both the Senate and the House.

The resolution was read and adopted.

Amendments to Senate Rules.

Senator Love sent up the following amendments to the Senate rules, to be read and referred to the Committee on Rules.

Amend Senate Rule 83, as follows:

(83). When a nomination is considered in executive session, all information and remarks touching the character or qualifications of the nominee shall be kept secret.

Amend Senate Rule 80 so that hereafter, it shall read as follows:

(80). Nominations shall be acted on in open session unless, by majority vote, in any case, the Senate shall order an executive session for that purpose.

Amend Senate Rule 80 so that hereafter, it shall read as follows:

(72). The Senate, by majority vote, may add members to any committee, standing or special, at any time.

Amend Rule 70, by adding to the end thereof the following:

(37). A Committee on Legislative Representation.

This Committee shall consist of seven members and it shall be the duty of every legislative representative, and every attorney, agent or employee of any person, firm or corporation, or of any class or group of persons, firms or corporations, who, in the City of Austin, shall in any manner attempt to aid or influence the passage or defeat of any legislation pending or to be pending; or which may be introduced in either house of the legislature, first to register with the Committee on Legislative Representation by filing with its chairman a sworn statement, setting forth such facts and on such forms as the Committee may prescribe, such statements so filed to be a part of the records of the Senate.

It shall be a violation of the rule of the Senate, punishable as for contempt, for any person, in the City of Austin, to communicate with or interview any Senator touching any such legislative matter or to appear

before any committee of the Senate in connection therewith without first having registered, as herein required.

The Committee on Legislative Representation shall have the power to send for persons and papers and to summon and examine witnesses under oath and it shall be its duty to make such examinations and investigations as it shall deem advisable, or as may be requested in writing by any Senator, for the purpose of ascertaining and informing the Senate of the facts pertinent to the employment or compensation of any legislative representative, agent or attorney, or of the methods used by any such representative, agent or attorney, to influence legislation, including any contributions heretofore made by any such representative, agent or attorney, or by any person, firm or corporation represented by them, to campaign funds in this State.

Said Committee shall hold open sessions, and from time to time, shall report to the Senate the testimony of all witnesses examined by it and all sworn statements filed with its chairman.

Recess.

At 1:10 p. m. the Senate on the motion of Senator Bailey recessed until 3:00 o'clock this afternoon.

After Recess.

The Senate was called to order at 3:00 o'clock p. m. pursuant to recess by Lieutenant Governor Barry Miller.

Bills and Resolutions.

By Senator Wood:

S. B. No. 1, A bill to be entitled "An Act providing \$185,000.00 for mileage, per diem, and contingent expense of the Fortieth Legislature; and declaring an emergency.

Read first and referred to the Committee on Finance.

Message from the Governor.

Governor's Office,
Austin, Texas, Jan. 11, 1927.
To the Honorable Fortieth Legislature of the State of Texas, Austin, Texas.

Gentlemen:

You meet today in Regular Session under authority of law. I extend

you cordial greetings and congratulations. You assemble at a time of public need and under auspicious conditions. If, at this session, you are able to satisfy the needs of the people, they will call your name "blessed" and you will be honored by all posterity.

1.

The law makes it my duty to advise you of conditions of the State. It is unnecessary in this communication to dwell at length, or to repeat that which is already a public record. Suffice to say, however, you are respectfully referred to the official reports of the heads of the different departments and officers of the State which have already been printed and are available for your use and consideration. It may be remarked, in passing, however, that the business condition of the State is in a healthy condition. This administration has paid all deficiencies and debts of the former administration, and the State is now upon a cash basis. At the close of business on Saturday, January 8, 1927, there was a net balance in the Treasury to the credit of the general revenue fund of \$1,566,563.16 after caring for all warrants outstanding.

2.

Under the law, I desire to recommend to you legislation deemed expedient. The constitution provides that taxes should be equal and uniform. Heretofore, the general idea has been that this provision means that taxes should be equal as to property without reference to people or to character of business. I suggest that the time has come when the question of taxation, levied by the government, must be considered from the standpoint of persons and business as well as property. With the increasing demand of the government for revenue, you, as a Legislature, will be confronted with the idea with who can pay as well as who should pay. It is a foolish statesman who is deluded with the idea that he can collect taxes from property or people who do not or can not produce earnings sufficient to pay taxes. Under the idea of equalizing taxes against property we have come to the point of a most unequaled tax system in our State.

The recent statement of the Tax Commissioner will disclose that out of every dollar of taxes paid about 68 per cent is collected from farm and pasture lands and city real estate, leaving only 32 per cent to be collected from other sources. This is, of course, neither equal or uniform taxation. Therefore, I recommend that the collection of some ten or eleven million dollars of ad valorem taxes be abolished, and that said amount of taxes be raised hereafter by a tax on manufactured cigarettes, chewing gum and cosmetics. These are luxuries now escaping their just proportion of taxation. The class of people using these articles have not paid their just part for the upkeep of the Government. Country and city real estate has paid the expenses of the Government to the breaking point. As a result, no farm, ranch or city real estate is now paying more than a meager return on its valuation. Even after the ad valorem taxes were removed, the local city and county taxes would leave all real estate over-burdened with taxes.

Let no one raise the argument that it would be expensive to collect this tax. The Government could merely print the tax stamp and pass a criminal statute for the sale of any of the articles that did not bear the tax, and a great saving could be made over the present law of paying a substantial commission for assessing and collecting ad valorem taxes.

A tax of \$2.00 per thousand on manufactured cigarettes, four billion of which are consumed in Texas every year, will yield the revenue of eight million dollars. A tax on cigars and cosmetics will easily produce two million more, making ten million, the amount now collected for ad valorem taxes.

Gasoline Tax.

In connection with the question of taxes is the ever-recurring problem of how to raise revenue for roads and schools. There is an ever-recurring conflict between the demand of county and State. I have given the matter serious consideration, and I have decided to recommend to you the passage of a law levying a tax of five cents per gallon on gasoline and a small tax on crude production. This tax will produce a revenue of \$25,000,000.00. Of the five cents

tax on gasoline, I would set aside three cents for the support of the State Highway Department for the maintenance and construction of State designated highways.

I would set aside one cent to supplement the public school fund, and the remaining one cent, I would set aside and give to the counties of the State in proportion to population with some reasonable limit as to the amount to be received by any one county. I would then repeal and abolish all taxes now collected on automobiles and motor vehicles, and thereby avoid any further discussion of the inequalization of the present law. While all consumers of gasoline would be required to pay the five cents tax, a provision can be made for refund on all gasoline used for other purposes than transportation.

In all seriousness, I urge your careful consideration of this recommendation, and I trust it will receive your approval.

3.

In my message to the last Call Session of the Legislature, I reported the collection of two thousand dollars collected from the bondsman, L. W. Pierce, out of which I have paid the sum of \$552.42 to defray the expenses of re-arrest and apprehension of said defendant, and there remains in my hand \$1,447.58 of said sum, which in due course, I will turn over to my successor with vouchers attached.

4.

Since the adjournment of the Call Session of the Legislature it has become necessary to issue deficiencies in the total sum of \$180,500.00, an itemized list of which is hereto attached for your consideration.

5.

The last Legislature appropriated for the support of the State Government for the biennium in round numbers some \$36,500,000.00. I see no reason why this Legislature should appropriate any more. I am quite well aware that there will be an insistent demand on the present Legislature to grant appropriations for every conceivable thing under the sun, and I want to urge the Legislature to now stand firm between the

demands of the tax eater and the people. It ought to be more a question of what the people are able to pay, than it is what they want. If an individual knowingly buys more than he can pay for, he is to some degree at least dishonest. The Government should be governed by the same standard, and any administration that appropriates more money than the people are able to pay is recreant to its duty. And again let me call attention to the fact there is a constitutional limitation of thirty-five cents for ad valorem taxes, and I trust that this limitation will not be lost sight of in your deliberations.

A Final Word.

In conclusion, let me say that, although I shall soon pass into private life, I want to take this opportunity to thank the membership of this Legislature, who were members of the preceding Legislature, for their uniform courtesy, respect and co-operation with my administration. I trust that the same high standard of patriotic endeavor that prompted you in the past will continue for the common good of the great people of Texas whose honor and privilege it has been mine and yours to respect.

Respectfully yours,
MIRIAM A. FERGUSON,
Governor.

Senate Bill No. 1.

Senator Wood received unanimous consent to take up:

S. B. No. 1, A bill to be entitled an Act providing \$185,000.00 for mileage and per diem and contingent expenses of the Fortieth Legislature, and declaring an emergency.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its second reading, by the following vote:

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Moore.
Floyd.	Neal.
Greer.	Parr.
Hall.	Price.
Hardin.	Real.
Holbrook.	Reid.

Russek.	Wirtz.
Smith.	Westbrook.
Stuart.	Witt.
Triplett.	Wood.
Ward.	Woodward.

Absent.

Pollard.

The Senate rule requiring committee report to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 put on its third reading and final passage, by the following vote:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Pollard.

The bill was read third time and passed finally, by the following vote:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Pollard.

Committee Notifying House.

The Committee appointed to notify the House of the organization of the Senate reported their duty performed.

Bills and Resolutions.

By Senator Wood:

S. B. No. 2, A bill to be entitled "An Act providing for the relocation of the State Prison System and for the disposition and acquisition of necessary property to effectuate the purpose of this Act; authorizing the erection of the necessary buildings and improvements and the acquisition of the necessary equipment and facilities to erect, establish and operate a modern fire-proof prison system; prescribing certain elements or units of a prison system to be erected and established; providing for the proper employment of the prisoners; providing for the acquisition of assistance and information in reference to the relocation, construction and operation of said prison system; repealing any prior law authorizing the relocation or removal of the State Prison System or the sale of any land owned by said prison system; making an appropriation to carry out the purposes of this Act; and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Bowers:

S. B. No. 3, A bill to be entitled "An Act to amend Article 8029 of the Revised Civil Statutes of Texas of 1925, relating to the dissolution of levee improvement districts, by leaving said Article 8029 just as it is, but adding sections thereto, providing for dissolution of levee improvement districts which have failed to function; providing a procedure by which levee improvement districts may voluntarily abolish their corporate existence, providing for the settlement of debts, retirement of bonds, custody of property, and appointment of a trustee to close up the affairs of such districts, and providing ways and means for holding elections to decide whether or not such districts will be dissolved; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Westbrook:

S. B. No. 4, A bill to be entitled "An Act requiring all corporations, firms, dealers and persons selling or exposing for sale, by wholesale or retail, any goods, wares, merchandise

or articles manufactured, produced or made, in whole or in part, in any penitentiary, prison, reformatory, or penal institution, or by any convicts or prisoners or persons serving sentence in a reformatory, to have upon the container for such goods, wares, merchandise and articles, and upon each and every individual garment or article so manufactured, produced or made a plain and distinct label in the English language, clearly showing in what penitentiary, prison or reformatory or penal institution such goods, wares, merchandise or articles were manufactured; and forbidding the sale of such goods, wares, merchandise or articles without such label; and imposing a penalty for selling or exposing for sale any such goods, wares, merchandise or articles without such label; and declaring an emergency."

Read first time and referred to the Committee on Labor.

By Senator Parr:

S. B. No. 5, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws of the Regular Session of the Thirty-fifth Legislature, same being a Special Road Law for Duval County, by adding thereto Sections 17, 18, 19, 20, 21, 22, and 23; validating an election for the issuance of special road bonds of said county; enacting provisions necessary and incidental to the subject and purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Parr:

S. B. No. 6, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws, Regular Session, Thirty-fifth Legislature of the State of Texas entitled 'An Act to create a more efficient road law for Duval County, Texas, etc.'; to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senators Bailey and Holbrook:

S. B. No. 7, A bill to be entitled "An Act to amend Article 1855 of the Revised Statutes (1925) so as to require Courts of Civil Appeals to

certify to the Supreme Court any question of law involved in a decision of the Court of Civil Appeals in any case which conflicts with an opinion rendered by the Supreme Court or by some other Court of Civil Appeals of this State, and any question of law involved in any case before the Court of Civil Appeals of which the Court has final jurisdiction, which is important to the jurisprudence of the State and which has not been previously decided by the Supreme Court, and to authorize the Supreme Court to issue writs of mandamus to compel the certification of such question; and to repeal Subdivision 6 of Article 1728, Revised Statutes (1925), giving the Supreme Court Jurisdiction of such questions by writ of error; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 8, A bill to be entitled "An Act to appropriate four million eight hundred thousand dollars, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to supplement the State Available School Fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas, for the scholastic year beginning September 1, 1927, and ending August 31, 1928, and the same amount to be appropriated for the same purpose for the scholastic year beginning September 1, 1928, and ending August 31, 1929, to enable the State Board of Education to declare a per capita apportionment of the State Available School Fund; providing that each year of the biennium, the Comptroller is directed to transfer \$400,000.00, to carry out the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love:

S. B. No. 9, A bill to be entitled "An Act repealing Chapter 184 of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, being Senate Bill No. 252, entitled: 'An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceedings, a full and uncondi-

tional release of any and all acts and offences of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, and declaring an emergency.'"

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Love:

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation of three hundred thousand dollars to provide for the immediate construction of two dormitories at the Agricultural and Mechanical College of Texas."

Read first time and referred to Committee on Finance.

By Senators Love and Greer:

S. B. No. 11, A bill to be entitled "An Act providing for the classification of elementary and high schools by the county board of school trustees; providing for free tuition for certain high school students; repealing Article 2678 R. S. 1925 and all other laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Love:

S. B. No. 12, A bill to be entitled "An Act regulating the manner in which the property of Fire Insurance Companies and Casualty Companies organized under the provisions of the laws of this State shall be assessed for taxes, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Love:

S. B. No. 13, A bill to be entitled "An Act to provide for the designation of district judges to hold special terms of court in the various judicial districts in the State when accumulation or urgency of business of the public justify such designation; providing for the manner of designating and providing further for the appointment of a clerk by the Attorney General, prescribing his duties and fixing his salary; and prescribing the manner in which reports shall be made by the various district clerks; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 14, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of three million dollars per year, or so much thereof as may be necessary for the two fiscal years; providing certain prerequisites for the granting of such aid, and providing no school having over four hundred scholastics, or any school located in a district of over 500 scholastics, shall receive such aid; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 15, A bill to be entitled "An Act creating a Civil Service Commission for the State of Texas; providing for a State Civil Service Commission, consisting of three persons appointed by the Governor; providing for Municipal Civil Service Boards in cities of one hundred thousand or more inhabitants; empowering the Commission to make certain rules and regulations; providing for civil suits in enforcing said Act and repealing all laws or parts of laws which are in conflict herewith."

Read first time and referred to Committee on State Affairs.

Senate Joint Resolution No. 1.

By Senator Love:

S. J. R. No. 1, A joint resolution "Proposing an amendment to Article 16 of the Constitution of the State of Texas by inserting a section to be known as Section 30-b of said article, authorizing the terms of office of members of boards of education and all other municipal boards and commissions in cities and towns of whatever population, and of all school trustees to extend for any period of time not to exceed six years; and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray expenses."

The resolution was read and referred to the Committee on Constitutional Amendments.

Adjournment.

On the motion of Senator Wood, the Senate at 3:25 p. m. adjourned until tomorrow morning at 10:00 o'clock.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 11, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred seventy-five thousand (\$175,000.00) dollars or as much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the State of Texas, and to pay the contingent expenses of the Regular Session of the Fortieth Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate that same do pass and be not printed.

WOOD, Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas.

Wednesday, January 12, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hall.
Berkeley.	Hardin.
Bledsoe.	Holbrook.
Bowers.	Lewis.
Fairchild.	Love.
Floyd.	McFarlane.
Greer.	Miller.